The
REPORTER
For Conscience' Sake

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Gregory Votaw, I-W, Highly Commended

Gen. Richard S. Whitcomb recently wrote to Mr. Gregory Votaw, Church World Service representative in Korea and a conscientious objector in the civilian work program, a letter of high recommendation for Votaw's services there. The letter is as follows:

"I have had many occasions in the past year or more to observe your conduct of the affairs of Church World Service, here in Pusan. You have displayed qualities of resourcefulness, tact, patience, understanding, and individual rectitude, which should stand as an example for all Americans serving in Korea.

"You have been of the greatest possible assistance to this headquarters in matters connected with the Pusan Hospital Fund Campaign, the Pusan Disaster Relief Council, contributions to churches, orphanages, etc., all of which come within the broad purview of your position, provided you were willing to undertake them, which you always were. In addition, you have been of great help in many other directions, some of which you may not even be aware.

"I want you to know that your outstanding performance of duty and your services are recognized not only by me but by all of the personnel of this command who have had occasion to be in touch with you, and they are many.

"You have our continued good wishes and in a sense our envy that you are in a position to do so much for this very deserving people."

Sincerely yours,

RICHARD S. WHITCOMB,
Brigadier General, USA.

Shortly before Votaw reached Korea, the Church World Service director there had to be brought home because of illness. Thus Votaw became the Church World Service representative in Korea.

Hunting and Speeding No Basis For Denial of CO Claim

Adding strength to the belief that a conscientious objector should not be denied the I-O classification simply on the basis of previous and sporadic deviations from the religious principles and practices of his church is the 10th Circuit Court of Appeals' opinion which acquitted John Rempel, of Nebraska. The opinion by the 9th Circuit Court in the Chernekoff case (see April, 1955, REPORTER) and the opinion of the court for the Western District of Virginia in the *U. S.* v. *Showalter* case (unreported) are also important cases covering this point.

John William Rempel, a Mennonite, was denied the I-O classification because of evidence in the FBI report which indicated that he hunted for wild game, had trouble with his teachers in school, and had improperly operated his automobile with two fines resulting. The district court had sentenced him to prison for 3 years on June 16, 1954 (see Aug., 1954, and Nov., 1953, REPORTERS).

The court stated that the above mentioned circumstances in the Rempel case, treated "severally and collectively . . ., were not circumstances involving serious moral misconduct or waywardness having material bearing upon the question whether his claim for exemption . . . was submitted in good faith."

Continuing, the court wrote: ". . . hunting for wild game is not a circumstance having any probative force in respect to the lack of good faith in an asserted claim for exemption (as a conscientious objector) under the statute." Therefore the court found no "rational basis in fact" for denial of the CO claim and reversed Rempel's conviction.

JOST RECEIVES CITIZENSHIP

On April 6, the Superior Court of Fresno County, California, issued an order granting the right to United States citizenship to Arthur Jost of Reedley, California. This order represents the end of a long and troublesome effort by Jost beginning back in May, 1950.

Although the U. S. Supreme Court had made a favorable ruling on Jost's case on February 1, 1954, which should have granted him citizenship soon thereafter, the order granting citizenship was delayed by numerous difficulties and adverse attitudes on the part of Immigration officials and judges. Jost was planning to be naturalized on April 22.

Born in Canada, Jost was originally denied his petition for naturalization on the basis that an individual cannot claim exemption to military service if the organization to which he belongs does not as a whole teach its members to refuse to perform either combatant or noncombatant service. After unsuccessful appeal attempts in two higher courts, the case was taken to the U. S. Supreme Court.

The Supreme Court confirmed the intention and validity of the law which clearly makes provision for the naturalization of conscientious objectors. A petition to the Supreme Court in behalf

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Published by the National Service Board for Religious Objectors

I-W Affiliations

As of March 31, 1955, the religious affiliations of 4018 men currently in alternative service (about 82% of the total) are as follows:

Mennonite (Amish included)	2687
Church of the Brethren	356
Jehovah's Witnesses	160
Society of Friends	150
Old German Baptist Brethren	113
Church of Christ	95
Brethren in Christ	68
Christadelphian	44
Methodist	44
Church of God	41
Pentecostal	21
Association of Bible Students	20
Presbyterian	14
Evangelical and Reformed	13
Seventh Day Adventist	12
Baptist	11
Hutterian Brethren	11
Congregational	10
Assemblies of God	9
Church of the First Born	7
Evangelical United Brethren	7
Plymouth Brethren	6
Russian Molokan	6
United Missionary	6
Episcopal	5
Holiness Church	4
Followers of Jesus Christ	3
Independent Fundamental	3
Order of Aaron	3
Unitarian	3
United Zion's Children	3
Augustan Lutheran	2
Christian Science	2
Christ's' Sanctified Holy Church	2
Church of the Christians	2
Church of the Four Leaf Clover	2
Deukhobour	2
Evangelical Lutheran	2
Faith Tabernacle	2
First Century Gospel	2
Pilgrim Holiness Church	2
Albanian Orthodox	1
Ambassadors for Christ	1
Apostolic Christian	1
Body of Christ	1
Christians Gathered Together	1
Church of God and Saints of Christ	1
Church of God in Christ	1
Church of the Nazarene	1
Church of Theola	1
Congregation of Yahweh	1
Disciples of Christ	1
Essenes of Kosmon	1
Ethical Culture	1
Evangelical Congregational	1
Evangelical Mission	1
First Divine Association	1
Free Methodist Church	1
Gospel Tabernacle	1
Holiness Gospel Mission	1
Independent Christian	1
Megidda Mission	1
Missionary Church Association	1
Mormon	1
Reformed Church	1
Roman Catholic	1
United Brethren	1
United Christian Church	1
United School of Christianity	1
No affiliation	36

The Mennonite Central Committee issued the following list of I-W affiliations from the MCC constituency. This list totals 2832 men. The difference between the two figures of 2687 and 2832 occurs because of the time spread between the dates of compilation.

Mennonite (Old)	1278
Old Order Amish	453
General Conference	418
Church of God in Christ	165
Conservative Mennonite	150
Mennonite Brethren	79
Brethren in Christ	64
Beachy Amish	63
Old Order Mennonite	47
Independent Mennonite	39
Evangelical Mennonite Brethren	25
Krimmer Mennonite Brethren	21
Evangelical Mennonite	10
United Missionary Church	7
United Zion	2
Missionary Church Association	1
Reformed Mennonite	1
Mennonite, Affiliation Unknown	26

Tietz Reviews CO Legal Gains

Attorney J. B. Tietz, Treasurer of the Southern California Branch of the American Civil Liberties Union (ACLU) and well-known attorney for conscientious objectors, recently reported on legal gains made by COs in the paper *Open Forum*, published by the Southern California Branch of the ACLU.

Nine Months Without Indictments

According to Mr. Tietz, there were no indictments of religious objectors in the U. S. District Court for Southern California during the first nine months of 1954, whereas in 1953 for the same period there were over 60 Selective Service indictments.

"Until January, 1954," he said, "it was rather difficult to win an acquittal in such a (CO) case but since the beginning of this year (1954) it has been almost impossible for the government to win one."

Reviews History

Mr. Tietz pointed out that in 1917 "the law required a registrant who desired classification as a CO to submit evidence that he was a communicant of a 'historic' peace church. Even then the only available classification was for noncombatant service."

During World War II over 6,000 men were unable to convince the Selective Service System of their conscientious objection and went to prison. There were only 4 reported cases where a registrant won out in a court contest. During this period the energies of defense attorneys were directed to the obtaining of probationary sentences.

COs Gain Limited Defense

Mr. Tietz pointed out that not until the *Estep* decision in 1946 "did the law permit a CO much in the way of defense." Prior to that time it had been declared, in the *Falbo* case of March, 1944, "that only by going into the Army and then asking for a *writ of habeas corpus* could a registrant ask the court for relief. Otherwise, he had not exhausted his administrative remedies, the court said." It is obvious that, therefore, deserters and non-religious objectors were the ones who "wrote" so many of the lower court decisions. He points out, too, that Jehovah's Witnesses are responsible for nearly all the appellate court victories.

He points out that "the *Estep* case established that a selectee who reported for induction and refused to become an inductee was qualified to ask the court to consider his defenses to a criminal charge." In other words, the court ruled that a man has exhausted his administrative remedies when he refused to submit to induction, rather than only after he went into the armed forces.

Present Law Prosecutions After 1951

Mr. Tietz stated that the 1948 law did not go into effect, for practical purposes, until Korea, and that there were few prosecutions until 1951. Since that time there have been at least 125 acquittals. He says that "this great increase was due to the several favorable Court of Appeals' decisions rendered after 1953. . . . November 30, 1953, marked the startling turning point. On that day the Supreme Court decided the *Dickinson* case, reversing the Ninth Circuit Court. For about two months after this decision the District Attorneys tried to secure convictions of already indicted men, arguing that *Dickinson* applied only to registrants claiming to be ministers and not to others such as COs; then they gave up, and indicted no more until October of this year (1954)."

Basis-in-fact Clarified

It was also suggested by Mr. Tietz that the *Dickinson* decision "pinned down" the expression "basis-in-fact." The *Dickinson* case says: "But when the uncontroverted evidence supporting a registrant's claim places him *prima facie* within the statutory exemption, dismissal of the claim solely on the basis of suspicion and speculation is both contrary to the spirit of the Act and foreign to our concepts of justice."

Mr. Tietz further reasons that Justice Jackson, in his dissenting opinion in the *Dickinson* case, sharpens up the issue:

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CO Claims Must Be Examined

Judge J. Cullen Ganey, of Philadelphia, acquitted Robert Underwood, a Jehovah's Witness, of refusing to submit for induction because Underwood's claim as a conscientious objector and a JW was not acted upon by his local board. The very unusual aspect of this case is that Underwood made this claim AFTER refusing induction and long before his arrest.

The acquittal was based on Section 6 (j) of the draft law which provides, in part: "Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form."

Regulation 1625.2 states that a claim for any other classification cannot be made after an Order to Report for Induction has been mailed. On the fact that the regulations cannot circumvent the law, Judge Ganey found that the law was not followed, and therefore gave the acquittal.

JOST RECEIVES CITIZENSHIP

(*Continued from page* 1)

of Jost was prepared by Dean Acheson, former U. S. Secretary of State, and his associates, Graham Clayter and Charles Horsky, whose efforts played a very important part in the favorable decision. The services of Mr. Acheson and his associates were given without charge because of their interest in the principles involved.

Jost is West Coast administrator for the Mennonite Central Committee and was assisted by MCC in carrying his case to the Supreme Court. It is hoped that the favorable outcome of this case will result in a change of the rigid and arbitrary attitude which is being taken by Immigration and Naturalization officials in regard to CO cases in Southern California and other parts of the country.

AFSC PUBLISHES DETAILS OF CO WORK PROGRAM

The American Friends Service Committee (AFSC) has recently produced a most helpful release on Details of Compulsory Work Program for COs. They are willing to supply copies of this without cost to anyone requesting them. Requests should be sent to the AFSC, 20 S. 12th St., Philadelphia, Penna.

Mennonite Brethren Representatives Interview Pentagon Officials

Representatives of the Mennonite Brethren Conference had a lengthy interview several months ago with Department of Defense officials. The question of whether or not the principles and practices of their church would be recognized by the armed services if members of that church were inducted into the army as noncombatants was discussed.

Four deductions were reached by the Mennonite Brethren representatives. They are:

(1) The primary purpose of the Medical Corps is not that of saving lives, but removing every obstacle which so easily is created through wounded and suffering soldiers in the pursuit of the Army's assignment to destroy the enemy.

(2) A conscientious objector who . . . considers it inconsistent to participate in the conflict of the Army must face the issue that in spite of personal interpretations which he may attach to his participation in war as a member of the Medical Service, from the standpoint of the Army, he is considered part of the combatant operation.

(3) The request made for provisions of a possibility to serve in a non-combatant capacity as civilians conflicts with the dual status of the civilian and military law. Because of these principles, the Army cannot consider the possibility of such arrangement.

(4) The military oath [as well as the induction ceremony] is an acceptance of the combatant status as part of the Army and thereby transfers an individual from the position as a civilian into structural organization, aim, and purpose of the Armed Forces, whether he himself is willing to admit such status or not.

Complete copies of this report may be obtained at 5¢ per copy from the Peace Section, Mennonite Central Committee, Akron, Penna.

TIETZ REVIEWS CO LEGAL GAINS

(*Continued from page* 2)

"Under today's decision, it is not sufficient that the board disbelieve the registrant. The board must find and record affirmative evidence that he has misrepresented his case—evidence which is then put to the test of substantiality by the courts. In short, the board must build a record."

With the Supreme Court's decision on

Judges Interpret Work Assignments

Two Federal District Courts have recently handed down decisions which will probably have significant effect on the operation of the civilian work program for conscientious objectors. In Indianapolis, Ind., Judge William E. Steckler acquitted George Sparks, a Jehovah's Witness (JW), of the charge of failure to report for civilian work. Sparks had been ordered by his draft board to report to a Methodist hospital.

Judge Steckler ruled: "To take a member of any religious sect exempt as a conscientious objector and place him in any institution controlled by another religion would restrain his freedom of religious thought."

In the second decision, Judge Thomas F. Meaney of Newark, N. J., ruled that Selective Service can assign COs to any public hospital for work "contributing to the maintenance of the national health, safety or interest."

This case involved four JWs who refused to work in state or county hospitals when ordered there by Selective Service. The defense attorney attempted to argue that the federal government did not have the right to assign COs to institutions not operated by the federal government.

Hostility of LB Acquits Peebles

The 7th Circuit Court of Appeals, on March 4, 1955, in Chicago, reversed a 3-year prison sentence of Vaughan Peebles, who had been charged with refusing to submit to induction into the Army. The appellate court's decision pointed out that the entire local board was "bristling with hostility" towards Peebles. It also stated that the government's case was based on a "gossipy, anonymous letter which had prejudiced the case."

In July, 1953, the local board resigned in protest when Gen. Hershey requested that they reopen Peebles' case. Two of the three local board members agreed to "reluctantly" reopen the case, but the third member actually ignored this order.

Mar. 14, 1955, of the four JW cases (Witmer, Sicurella, Simmons, and Gonzales), conscientious objectors now may have more opportunity to receive a fair appeal and recommendation from the appeal board and the Justice Department.

Role Conflicts Of Chaplains "Extremely Severe"

According to an Information Service report of an *American Sociological Review* article entitled "Role Conflicts of Military Chaplains," the role conflicts of chaplains are described as "extremely severe." The article states that "chaplains not only share the dilemma of a Christian in wartime; they also function as officers in both ecclesiastical and military organizations."

Information Service also quotes an article by Dr. David Pool in *The Military Chaplain* in which it is stated that "we may with utter sincerity proclaim the purpose of our taking up arms as a righteous one, but the bitter, inescapable fact remains that war as an instrument even of man's noblest purposes is and ever will be irreconcilable with religion.

"The chaplain seeks to reconcile his role conflict either through rationalization or through compartmentalization of role behaviors.

"Rationalization of conflict in roles tends to strengthen the chaplain's role of military officer at the expense of his role of minister of the gospel. Every argument cited tends to assert the military claim and de-emphasize the religious claim."

Miss Abraham Reports on CO's "Down Under"

In a recent issue of *The Peacemaker*, published monthly in Melbourne, Australia, Miss Abraham, Editor, reports on conscientious objectors in the Australian area. She tells of a visit with nine COs who were in Holsworthy Military Correctional Institute in June and nine others who were in the same prison in October. Seven of the men were from the Christian Assemblies religious group; five were Christadelphians; four were Jehovah's Witnesses; one was a Quaker, and another was "undenominational."

In Australia, conscientious objectors may ask for either a total and unconditional exemption or for a non-combatant status. After registering, a magistrate decides the classification. An appeal to a higher court is allowed. If the classification is still unacceptable, the CO either refuses to enter the Army or enters and refuses orders. In either case, the CO will spend at least 176 days in Holsworthy, unless a court martial gives a longer sentence. Recognition as a CO appears more difficult to obtain in the states of Queensland and New South Wales, as 16 of the 18 COs are from these two states.

FRIENDS CAN HELP IMPRISONED COs

With six of the seven members of the Federal Board of Parole being new appointees since the Republican administration went into office, it appears the paroles for COs are becoming more difficult to obtain. Many COs are getting their paroles long after completing the minimum requirement of 1/3 of their sentence in prison. Others are having their first application denied so that one year must be served before release from prison.

Several suggestions have been made to help alleviate this condition. Additional correspondence, requesting favorable consideration, to the Parole Board from persons knowing the prisoner will be placed in the man's file and thereby aid him. Letters from churches or other organizations to which the man belongs are also beneficial. Soliciting aid from Congressmen will often result in a letter of inquiry to the Parole Board.

Various Legal Cases

Arthur F. Thornton was recently acquitted by Judge Meaney, of Newark, N. J., for failure to submit for induction. The decision was based on the fact that Thornton was not classified anew or sent a Notice of Classification after a hearing before his local board in June, 1951. Thornton, a member of the Bible Students Association, was defended by Frankel and Frankel of Paterson, N. J.

* * *

A two-year probationary sentence was given *John W. Miller* for refusing to submit for induction into the Army. Judge Win G. Knoch of Chicago pronounced the sentence on March 16. Miller, from Bremen, Ind., is a member of the Beachy Amish Church.

Entire Issue on "Guinea Pigs"

Volunteers serving as "guinea pigs"—properly known as "normal control patients"—was the subject of the entire March, 1955, issue of the *NIH Record*, the monthly publication of the National Institutes of Health, Bethesda, Maryland. Descriptions of the studies being made with the help of experiments on the volunteers, an article about the purpose of the NIH, a story about two typical volunteers, and a number of photographs were included in this issue.

All of the volunteers—both men and women—are in the Voluntary Service Program of either the Mennonite Central Committee or the Brethren Service Commission. Most of the male volunteers are COs doing their two years of alternative service.

"Noncombatant Service Then and Now"

In the January, 1955, issue of *Mennonite Life*, Frank C. Peters wrote an article entitled "Noncombatant Service Then and Now." In it he compares noncombatant service for conscientious objectors under the old Russian (World War I and earlier) system with the present program of noncombatant service for COs in our armed forces. The writer concludes that "the status of Mennonites in Russia in doing medical woork in World War I cannot be equated with the status of the noncombatant in the United States Army and therefore cannot be used as a decisive precedent in defense of the I-A-O position."

It is a well-known historical fact that the Mennonites had worked out a very comprehensive system of noncombatant service for conscientious objectors under the czars of Russia over a period of years. Apparently that system was so vastly different from the present noncombatant plan for COs in the United States that there is no basis for comparison.

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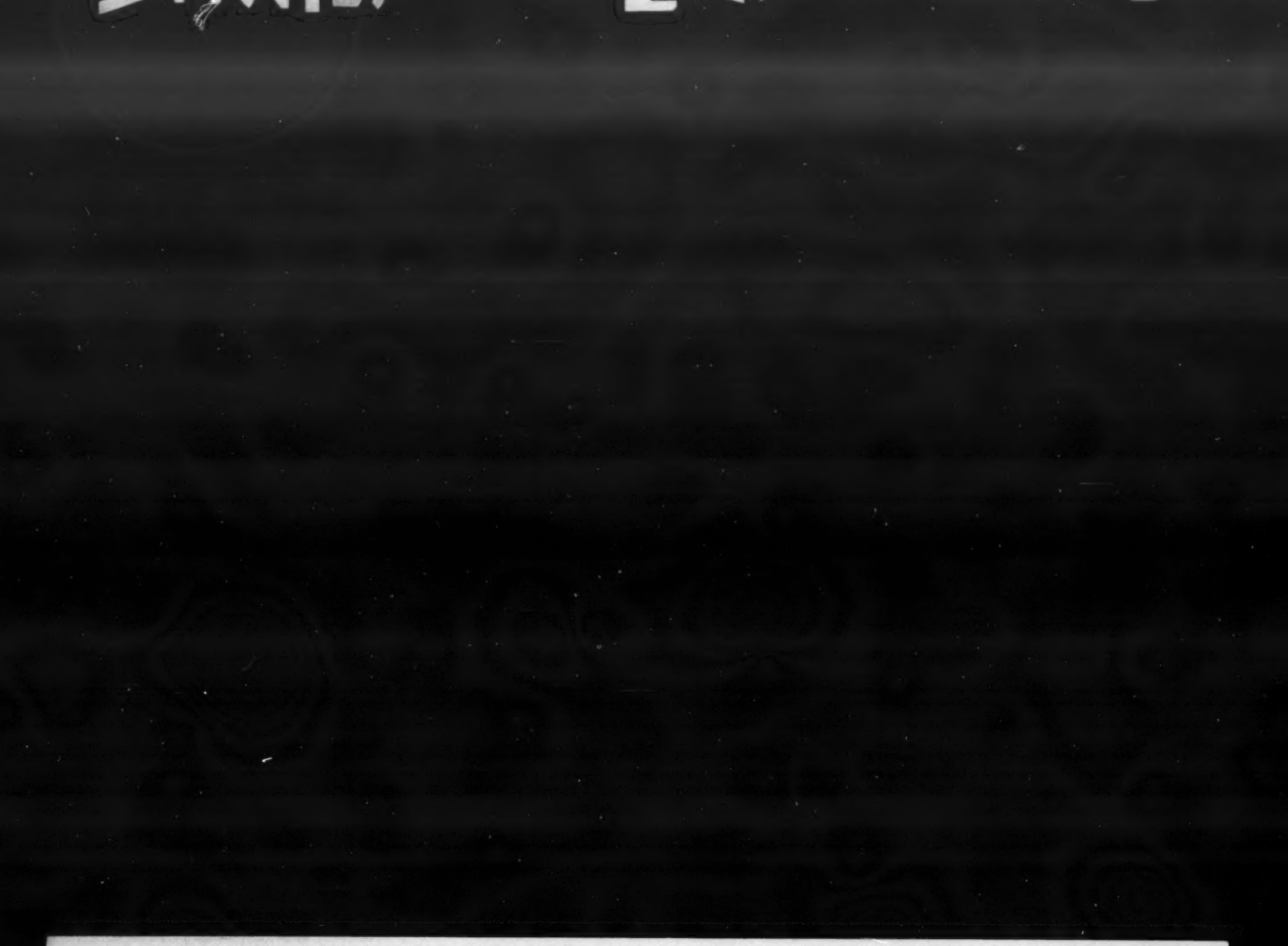
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